

REMARKS

Claims 1-5 and 7 are pending in the case. Claim 1 is the sole independent claim.

Claims 1-5 remain rejected, as they were in the prior office action, as anticipated by Shearn and by Srisathapat et al., under 35 U.S.C. §102(e) and 35 U.S.C. §102(b), respectively. Claim 7 remains objected to as depending from a rejected claim.

The remaining rejection may be resolved by recognizing that the features that hold liquid in the cited prior art cannot properly be called “barrels,” nor can they hold syringes full of liquid (“reservoirs” in the parlance of the present application).

A barrel, in the present context, is a cylindrical sleeve that is completely open on at least one end. The barrel of a rifle is an example. All pending claims require “a clearance hole in a barrel end,” so that a reservoir that contains liquid can be inserted into the barrel.

Shearn’s prior art item **30** is a syringe for holding a liquid. Nowhere in the entirety of the Shearn Patent is item **30** referred to otherwise than as a syringe. It is not a barrel, and it is improper to refer to it as a barrel.

Similarly, Srisathapat’s prior art item **12** is a syringe for holding a liquid. Nowhere in the entirety of the Srisathapat Patent is item **12** referred to otherwise than as a syringe. It is not a barrel, and it is improper to refer to it as a barrel.

Neither of the syringes of Shearn and Srisathapat could have a “clearance hole” (such as an open end) since, if it did, it could not hold liquids in a horizontal position, which is the function of the syringes of Shearn and Srisathapat. The syringes of Shearn and Srisathapat are functional analogues of what is referred to as “reservoir **30**” in the present application. That is where the liquid is held and from where the liquid is dispensed by action of an internal piston.

The syringes of Shearn and Srisathapat are not barrels (into which syringes, or reservoirs, may be placed), nor are a “syringe” and a “barrel” synonymous.

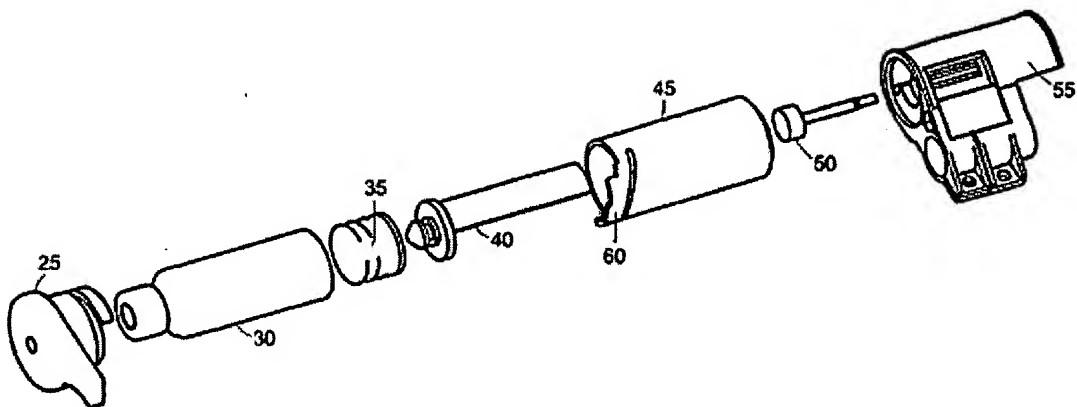
A syringe dispenses liquid, because it has a plunger inside that reduces the volume containing the liquid. This is the function of the “reservoir” of the present application, and there would be no objection to referring to the syringes of Shearn and Srisathapat as reservoirs.

They cannot be barrels, however, because the claimed barrel, designated very clearly in the application by numeral 45, does not contain a liquid, nor could it. The claimed barrel is designed to contain the cylindrical piston/ reservoir assembly. It is open on its end, and cannot contain liquids.

Moreover, the syringes of the prior art cannot contain reservoirs. A reservoir, in the usage of the application, is the *closed* cylindrical chamber 30 that holds fluid. It could not be put inside the syringes of Shearn and Srisathapat because the syringes themselves are essentially closed at both ends, and designed to hold fluids, not solids. If a solid (such as the claimed reservoir) were to be placed inside the syringes of Shearn and Srisathapat, the pistons would not be able to operate, and the syringes of Shearn and Srisathapat would cease to be syringes.

While an applicant may be her own lexicographer, an issued US patent must speak for itself. The prior art features are syringes; they are not barrels, and the invention claimed in independent claim 1 is not anticipated by the teachings of either reference of record.

Applicant has been explicit, in both the application and in the prosecution history, that the word “barrel,” refers to a structural element that is open on its end to receive a solid (the reservoir), that the barrel holds a solid and that the term “barrel” could never encompass the liquid-holding syringes that are taught in the prior art and that have nothing to do with barrels.



Attention is drawn, once more, to the fact that barrel 45 does not, in itself, contain fluid (nor could it), but, rather, barrel 45, which is open on its end, like a rifle barrel, holds an expendable cartridge 30 that is inserted into the barrel. Indeed, amending language was previously added to clarify that barrel 45 holds reservoir 30.

Neither Shearn nor Srisathapat has any such component as the claimed barrel, nor any component that could function as the barrel. Both references, instead, are directed toward a syringe driver system for forcing liquids out of a syringe.

The Applicant respectfully requests reconsideration of the pending claims 1-5 and 7, and a notice of allowance. The Applicant also kindly requests that the Examiner contact the undersigned if it will assist examination of the pending claim.

Respectfully submitted,

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